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Senate

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Light of light, we thank You for a new day with all its shades, shadows, and sunshine. Strengthen us for the opportunities and challenges ahead. Lord, keep us from murmuring and complaining, as we face life's inevitable setbacks. Thank You for blessing us beyond what we deserve for life, for love, for liberty. Forgive us when we seek to be served instead of striving to serve. Empower our leaders today, that the end of this day will find them unashamed. Establish Your reign among us, and let truth and unity prevail. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume consideration of the Labor-HHS appropriations bill. Beginning at 9:30 this morning, there will be two consecutive votes in relation to amendments to this appropriations bill. The first vote will be in relation to Senator CLINTON's amendment on a bioterrorism workforce, and the second will be in relation to the Harkin

amendment on school renovation. Following those votes, the chairman and ranking member are prepared to remain and debate further amendments.

As we have indicated previously, we need and plan on finishing this bill as soon as possible. There are additional appropriations bills that are now ready for full Senate action, and once this bill is completed we will be proceeding to those bills. We need to continue to work in an orderly way, which has been demonstrated over the course of this week. Today I know will be a very productive day, as will Monday.

It is my hope we can finish Labor-HHS, this appropriations bill, no later than Tuesday, and with the cooperation of Members working together, this is indeed still possible. This will require votes this morning. There will be just these two votes this morning. Again, debate will continue throughout the course of the day. We will be voting late Monday afternoon. Specific times will be set later today. There may be multiple votes on Monday. I will have more to say on Monday's schedule later today, as we see what amendments are offered and which will be appropriate to vote on on Monday.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

VOTING SCHEDULE

Mr. REID. Mr. President, we worked the day before yesterday and yesterday and did come up with a finite list of amendments on our side and on the majority's side. The respective staffs worked closely together, and we now have a list. We were hopeful last night we could have had that put into a unanimous consent request. We have been told that the issue holding that up has been the request that we had to have an overtime vote on Tuesday

when all four Presidential candidates will be here.

I will say, through the Chair to the majority leader, from the first day I started talking, as did Senator HARKIN, to the Republican manager, the senior Senator from Pennsylvania, we acknowledged that we wanted to have a vote on Tuesday. So it is not anything that is new or unique that we have been setting that time aside tentatively.

We would hope that before we leave here this morning, we can have some kind of agreement to that effect. Otherwise, we will do our best to cooperate, but we certainly need that vote. We think it would be the right thing to do to have as many of our people here as possible when that vote occurs. As the leader knows, we have a few Republican votes on that, but with the margins as small as they are, it would be a very close vote. We should have everyone whenever that vote occurs.

We have been acting in very good faith. It was hard to get agreement on our side. That is why I was hoping we could have it done last night. I do hope we can have that done today.

Senator DOMENICI and I have worked the Energy and water bill on many occasions. We feel we have a good bill. It is one I am glad the majority leader is going to move to quickly because we are going to have a very difficult conference with the House. There are some big issues we normally don't have to work with in our conference that are in dispute. I think we can finish that bill in a fairly short period of time. It is a bill that is very important to almost every Member.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. In response to the assistant Democratic leader, scheduling is always a challenge. I appreciate the straightforward way he presents it because it is very clear that on the other side of the aisle there are a number of people running for the nomination for

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President and the candidates are participating in the political process. But we do have business here in the Senate. To try to dictate the schedule entirely around their candidacy for President is just impractical. I cannot do that. I want to be respectful as much as possible as we go forward. It is difficult. I want to be as accommodating as we possibly can in terms of votes, allowing people to participate.

On the other hand, we need to keep business going. We have made great progress in terms of the amendments on our side and on the other side, getting them down to a manageable number. Some might question "a manageable number," but to a number that we can work with. I appreciate that. That is what it is going to take in order to bring real focus to this bill.

In terms of agreeing to when we will vote on, indeed, a very complicated and complex issue at a specific time, at a day that is most convenient because of political candidates running around the country, especially since that amendment has not even yet been offered, is something we can't do at this time. That was explained to the other side of the aisle. That should not slow things down at all. But again, there is an orderly process. When the amendment is provided and debated, we have a lot of people who will want to speak on that. Again, the issue is a very important one.

We are making real progress. I am pleased where we are in terms of having this manageable group of amendments. Systematically, we will be going through those over the course of the day and Monday and Tuesday. Hopefully, we will complete the bill.

Mr. REID. If I may briefly reply, we shared the amendment Senator HARKIN is going to offer with Senator SPECTER and Republican staff. The question is when he should offer it. He could have offered it last night. He will offer it today. Everyone has had the opportunity to see the amendment.

We are respectful of the majority leader's problems in trying to set schedules. That is why, when we have had very close votes, we have not asked for revotes when our people come back. It is not often we have asked to have a vote at a certain time, but we have telegraphed, so to speak, our punch and let everyone know we were trying to get something lined up for Tuesday. I hope we can do that. With the number of amendments we have, as the leader knows, we can finish the bill very quickly or it can take a long time. We hope on Tuesday we can have that vote to work toward ending debate on this very important bill.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Kennedy amendment No. 1566 (to amendment No. 1542), to increase student financial aid by an amount that matches the increase in low- and middle-income family college costs.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

Harkin amendment No. 1575 (to amendment No. 1542), to provide additional funding for the Fund for the Improvement of Education.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Clinton amendment No. 1565 (to amendment No. 1542), to provide additional funding to ensure an adequate bioterrorism preparedness workforce.

The PRESIDENT pro tempore. Under the previous order, until the hour of 9:30 a.m., the time will be equally divided between the two bill managers or their designees.

In my capacity as a Senator from Alaska, I suggest the absence of a quorum and ask the clerk to call the roll. The time will be charged against both sides.

Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand the first vote this morning will be on the Harkin amendment; is that true?

The PRESIDENT pro tempore. The first vote will be on the Clinton amendment, No. 1565, to be followed by the amendment of the Senator from Iowa, No. 1575.

AMENDMENT NO. 1575

Mr. HARKIN. Mr. President, I want to speak a couple minutes on my amendment. The amendment we will be voting on has to do with school construction. Actually 3 years ago, this Congress appropriated almost \$1 billion for school construction around the United States. This money has gone out to States all over the country. Some of it has been used and some of it still is going out for construction and renovation purposes. But what it has done is leveraged for every Federal dollar about \$15 or \$20 of local money. So we are getting a heck of a bang for the buck by putting money into school construction and renovation. That happened in Iowa, and it is happening in every other State in the country.

The American Society of Civil Engineers 3 years ago gave a report card on the infrastructure of America, and they gave the schools a D minus, the lowest grade of any category, lower than sewer and water and highways and everything else. They said schools were a D minus 3 years ago. Just yesterday they came out with their report card again and said there has been no progress at all.

The PRESIDENT pro tempore. The Senator's time has expired. The time was equally divided before 9:30. The Senator's time has expired. Under the previous agreement, the time before 9:30 was equally divided between the Senator from Iowa and the Senator from Pennsylvania.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am very sympathetic to the objectives sought by the Senator from Iowa. In the past, on budget resolutions in prior years, I have supported using Federal funds on school construction. But the difficulty this year is that there is no money available for this line. Senator HARKIN and I, on a bipartisan basis, have worked out the allocation of \$137 billion. I would like to have money for school construction, but it simply isn't there.

It was not included in the budget resolution this year. It has always been highly controversial to pass this body, and it was only Senator D'Amato and Senator CAMPBELL and I who supported it in the past, when Senator HARKIN spearheaded this effort along with Carol Moseley-Braun. This is one of the many laudable objectives I would like to see funded. I fought hard for a larger allocation from the subcommittee. I would be glad to join Senator HARKIN in supporting this measure, but as manager it is my duty to stay within the confines of the bill and within the confines of the allocation. So it is with regret that I have to raise a point of order.

Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year